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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 August 1997]

1. The International Human Rights Association of American Minorities (IHRAAM) takes this opportunity to emphasize the importance of the work being undertaken in relation to preparing the framework by which Governments may be required to provide for minority rights. This complex task, being performed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Minorities, is particularly difficult, not only because of the complexity of finding solutions to the minority problematic itself, but equally because the minority problematics and their solutions may require important changes in socio-political policies (as they relate to minorities) of some of the major power-brokers of the global village, as well as in underdeveloped States.

2. Many Governments which should know better seem to prefer to subsume and conceal the minority problem and the historically proven need for minority rights under the all-embracing umbrella of racial discrimination. This permits them to pursue interminable discussions on how everybody - men, women, children, social groups, minorities - should accept everybody else (how we should "all just get along") and to avoid discussions as to which socio-political institutional changes may be required in order to create situations which permit us to "all just get along". By eliminating the distinctions inherent in the equality problematics of women, children, social groups, and minorities, such Governments in effect require minorities to

forget about their cultural, economic and social domination by identifying with the group that is in the socio-political, economic and political position to dominate - whether or not this is desirable or even possible.

3. Such Governments seek to de-emphasize minority rights, to end the mandate of the Working Group on Minorities, to roll back affirmative action (considered by them a form of reverse racial discrimination, despite the fact that this notion is specifically prohibited by international law in both the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities), to dismiss special measures or special rights, etc., and in place of all of the foregoing, as it concerns minorities, simply to emphasize "ending racial discrimination". In the face of mountains of evidence disproving the viability of the concepts of equality before the law, the same rights for all and non-discrimination as a cure-all solution, they would return us to square one.

4. In the face of increasing global civil strife between ethnic groups within the multinational State, this is nothing less than recommending the status quo. Indeed, recent history clearly demonstrates that this type of thinking must be rejected if peace, security and human-centred, ecologically sound development are to be expected. All aspects of the institutional and policy relations between minorities (particularly national minorities) must be democratically examined and refashioned on the basis of mutually agreeable social contracts and democratic principles. This means that the efforts of the Working Group on Minorities must be strengthened through a re-enforcement of the importance of the minority rights question in the Sub-Commission.

5. Just as the Balkanization of ethnic groups was and is no solution, the global African-Americanization of non-dominant groups is equally no solution. The solution rests in the various combinations of the justice principles to be found in the multinational consociational democratic models within the context of self-determination, which permit a spectrum of choices to groups concerned ranging from voluntary assimilation or equal-status fusion to internal autonomy or political independence. The choice is determined by which societal institutions emerge from the successful search for a social contract agreeable to all groups concerned. No group should be deprived of this fundamental human right.